UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/47/249
17 November 1992
ENGLISH
ORIGINAL: SPANISH

Forty-seventh session

REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM IN THE AGENDA OF THE FORTY-SEVENTH SESSION

REQUEST FOR AN ADVISORY OPINION FROM THE INTERNATIONAL COURT OF JUSTICE

Letter dated 13 November 1992 from the representatives of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal, Spain, Uruguay and Venezuela to the United Nations addressed to the Secretary-General

In accordance with the provisions of rule 15 of the Rules of Procedure of the General Assembly, the representatives of the countries signing this letter wish to have an additional item, entitled "request for an advisory opinion from the International Court of Justice", included in the agenda of the forty-seventh session of the General Assembly.

Once the new item has been placed on the agenda, the undersigned propose that it be referred for consideration to the Sixth Committee (Legal Questions) of the General Assembly.

In accordance with rule 20 of the Rules of Procedure of the General Assembly, an explanatory memorandum is attached to this request (see annex).

We should be grateful if you would have this letter and its annex circulated as a document of the General Assembly.

(Signed) Jorge VAZQUEZ
Permanent Representative of the
Argentine Republic to the United
Nations

(Signed) Oscar SERRATE CUELLAR
Permanent Representative of Bolivia
to the United Nations

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(Signed) Ronaldo Mota SARDENBERG
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Chargé d'affaires a.i. of Colombia
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Permanent Representative of Cuba to
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(Signed) José AYALA LASSO
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(Signed) Julio Armando MARTINI HERRERA
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(Signed) Jorgé MONTAÑO
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(Signed) Carlos AROSEMENA A.
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to the United Nations

(Signed) Ricardo V. LUNA
Permanent Representative of Peru to
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(Signed) Juan A. YAÑEZ-BARNUEVO
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(Signed) Cristian TATTENBACH
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Permanent Representative of the
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(Signed) Ricardo G. CASTANEDA-CORNEJO
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(Signed) Juan José CUEVA MEMBREÑO
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(Signed) Hugo SAGUIER CABALLERO
Permanent Representative of
Paraguay to the United Nations

(Signed) Pedro CATARINO
Permanent Representative of
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(Signed) Ramiro PIRIZ-BALLON
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ANNEX

Explanatory memorandum

At a time when the international community is undergoing profound change, it is especially important that States should comply fully with international law and, in particular, the Charter of the United Nations. It was this consideration that prompted the General Assembly to declare the period 1990-1999 as the United Nations Decade of International Law.

In the current context, it is particularly appropriate to step up efforts to promote judicial cooperation among States, on the basis of the principles of sovereign equality, territorial integrity, fulfilment in good faith of international obligations and primacy of the rule of law.

It is especially important to avoid recourse to unilateral measures, which would jeopardize States' willingness to cooperate in good faith to combat forms of crime that might have effects beyond national borders.

Cases of recourse to unilateral measures have been observed recently, as has a tendency to apply domestic legislation extraterritorially, involving the exercise of coercive power by one State in the territory of another, contrary to international law.

For these reasons, it is considered to be of the utmost importance to determine and specify the rules of international law which apply in this sphere, in order to prevent the entrenchment of practices which prejudice international judicial cooperation and mutual confidence among States.

To that effect, the Ibero-American Summit of Heads of State and Government, held in Madrid on 23 and 24 July 1992, after reaffirming its commitment to respect and promote international law proclaimed at its first meeting, included in its conclusions (see A/47/356-S/24367 of 3 August 1992) the decision to ask the United Nations General Assembly at its forty-seventh session to request an advisory opinion on the subject from the International Court of Justice.

In the light of the foregoing, it is deemed desirable for the International Court of Justice to give an advisory opinion on the question of the conformity with international law of certain acts involving the extraterritorial exercise of the coercive power of a State and the subsequent exercise of its criminal jurisdiction.

For all these reasons, the inclusion of an additional item in the agenda of the forty-seventh session of the General Assembly is considered a matter of urgency.